

~~Rule 4-803. Trials de novo in small claims cases.~~

~~Intent:~~

~~To establish uniform procedures governing trials de novo of small claims actions.~~

~~Applicability:~~

~~This rule shall apply to the trial de novo of small claims actions.~~

~~Statement of the Rule:~~

~~(1) General provisions.~~

~~(A) Right to trial de novo. Any party to a judgment in a small claims action may appeal the judgment in accordance with Section 78-6-10. The appeal shall be by trial de novo.~~

~~(B) Venue. The trial de novo of a justice court adjudication shall be heard in the district court location nearest to and in the same county as the justice court from which the appeal is taken. The trial de novo from the small claims department of the district court shall be held at the same district court location. Either party may move for a change of venue under the applicable Rules of Civil Procedure.~~

~~(2) Small claims appeals.~~

~~(A) Filing notice of appeal. Either party may appeal a small claims judgment by filing a notice of appeal in the court issuing the judgment within ten days of the notice of entry of the judgment.~~

~~(B) Contents of notice of appeal. The notice of appeal shall designate the district court location in which the trial de novo will be held, shall specify the parties in their original capacity, shall identify the party obtaining the trial de novo, and shall designate the judgment and the court from which the appeal is taken.~~

~~(C) Service of notice of appeal. The appellant shall give notice of the filing of the notice of appeal by personally serving or mailing a copy to the counsel of record of each party to the judgment, or, if a party is not represented by counsel, then to the party at his last known address. The appellant shall file proof of service or mailing with the district court.~~

~~(D) Fees. At the time of filing the notice of appeal, the appellant must deposit into court issuing the judgment the fees established under Utah Code Ann. Section 21-1-5 and Section 78-6-14. The payment of the filing fee is necessary for conferring jurisdiction upon the district court. Payment of filing fees may be waived upon filing of an affidavit of impecuniosity pursuant to Utah Code Ann. Section 21-7-3.~~

~~(E) Stay of judgment. A judgment is automatically stayed upon the filing of a notice of appeal with the court issuing the judgment and the posting of a supersedeas bond with the district court. The stay shall continue until the entry of the judgment or final order of the district court.~~

~~(F) Procedures—Record of justice court. Within ten days of the filing of the notice of appeal in a justice court, the court shall transmit to the district court the notice of appeal, the district court fees, a certified copy of the docket or register of actions, and the original of all pleadings, notices, motions, orders, judgment, and other papers filed in the case.~~

~~(G) Orders governing trials de novo. Upon the filing of the notice of appeal, the district court shall issue all further orders governing the trial de novo.~~

~~(H) Disposition. The trial de novo shall be tried in accordance with the procedures of small claims actions. The enforcement, collection or satisfaction of a judgment shall be according to district court procedures. Upon the entry of the judgment or final order of the district court, the clerk of the district court shall transmit to the justice court which rendered the original judgment notice of the manner of disposition of the case. Such notice shall be for informational purposes only and shall not be construed as a remand of the case.~~